

1 A. I'm hesitating because obviously the
2 statement with the chief believing, according to this
3 statement, that the groups are very dangerous and
4 should be taken seriously --

5 Q. You don't disagree with the chief, do we?

6 A. I didn't say I disagree. It's not a matter
7 of disagreeing or agreeing. You would have to know,
8 obviously, more about the groups in order to
9 intelligently make that kind of statement about them.
10 You may not agree with their position, obviously.

11 Q. You find that the statements that the chief
12 was criticizing are horrendous and objectionable, do
13 you not?

14 A. Oh, of course.

15 Q. My question is going to be --

16 A. I understand that.

17 Q. Do you have an opinion as to whether it is
18 a worthwhile program to present this, let these
19 people have their say and then put on the chief of
20 police to evaluate it, do you have an opinion on
21 that?

22 A. Well, obviously, I do. Obviously, the
23 chief has more information than I do from reading the
24 review. You have to understand too that I don't have
25 in-depth knowledge about the groups. Obviously, from

1 the statement I certainly would not agree with what
2 they are saying, but at the same time, I'm not privy
3 as the chief would be.

4 Do I have a problem with him
5 saying - coming on the television obviously opposing
6 it? Absolutely not. It's unfortunate that there
7 were not more representatives from other aspects of
8 the civil rights communities to address the matter in
9 addition to the police department.

10 Q. Would you look at Page 5 of Trinity Exhibit
11 Number 20, I'm going to direct your attention to the
12 program description --

13 A. Did you say Page 5?

14 Q. Page 5. The program description beginning
15 at the bottom of Page 5 and carrying over to Page 6,
16 would you just read that to yourself?

17 A. Okay.

18 Q. Do you know Dr. Larry Capp?

19 A. Yes, I do.

20 Q. Is he an African American?

21 A. Yes, he is.

22 Q. Do know the organization called Metro-Miami
23 Action Plan?

24 A. Yes, I do.

25 Q. Would you agree that the program described

1 as having been broadcast on July 15, 1985 addressed
2 the topic of importance in the area of ethnic and
3 minority groups?

4 A. Well, yes, it does address an important
5 topic.

6 Q. Would you look at Page 7 of Exhibit 20 and
7 I'm going to call your attention to the program, the
8 last - beginning on that page and going over to Page
9 8, broadcast on June 17, 1988, again approximately a
10 two hour program and ask you to read that to
11 yourself.

12 A. All right. Yes, I finished.

13 Q. You would agree, would you not, that that
14 program from what you can read of it addressed an
15 issue of importance in the area of ethnic and
16 minority groups?

17 A. Yes.

18 Q. Would you look at Page 9 of Trinity Exhibit
19 Number 20, the program in the middle of the page,
20 June 2, 1988 dealing with one Jester Hairston?

21 A. All right.

22 Q. Do you know about Mr. Hairston?

23 A. Yes, I do.

24 Q. Would you agree that that program addressed
25 a matter of importance in the area of ethnic and

1 minority groups?

2 A. Yes.

3 Q. Would you look at Page 11 of Trinity
4 Exhibit 20? The program at the top broadcast on
5 March 9, 1988, and I don't know whether you're a
6 football fan or not, but you do know who Rosie Greer
7 is, don't you?

8 A. I'm sorry, what page did you say?

9 Q. Page 11.

10 A. Yes.

11 Q. The program at the top, March 9, 1988, my
12 question was, you do know who Rosie Greer is, do you
13 not or do you?

14 A. Yes, I do.

15 Q. Would you read that program description?

16 A. Okay.

17 Q. You would agree that that program addresses
18 an issue of importance in the area of ethnic and
19 minority groups?

20 A. Yes.

21 Q. Would you look at Page 12 of Trinity
22 Exhibit 20?

23 A. Okay.

24 Q. The program description begins at the
25 bottom of the page and going over to Page 13, another

1 two hour program on August 17, 1987 this time. Would
2 you briefly read that to yourself?

3 A. Okay.

4 Q. Do you know Dr. John Perkins?

5 A. No, I don't.

6 Q. Do you know of him?

7 A. No.

8 Q. You would agree that that program as
9 described here addressed an issue of importance in
10 the area of ethnic and minority groups?

11 A. Yes.

12 Q. And would you turn to Page 15 at the top of
13 the page?

14 A. Uh-huh.

15 Q. The program broadcast on April 3, 1987, is
16 that the program that you refer to in Paragraph 7 of
17 your Declaration as a program where an EEOC
18 administrative law judge appeared?

19 A. Yes.

20 Q. And you agree, do you not, that that
21 program addresses an issue of importance in the area
22 of discrimination and in the area of ethnic and
23 minority group?

24 A. Yes.

25 Q. Do you know Joan Hannon?

1 A. No, I do not.

2 Q. I don't think the record is clear on this,
3 if you'll look at Trinity Exhibit 20, which is the
4 exhibit we've been in for some time now, have you
5 seen or did you see any of the programs described in
6 Trinity Exhibit 20?

7 We talked about programs that you may have
8 seen that are described in Exhibit 23, I'm now asking
9 about Exhibit 20. Did you see any of them?

10 A. No, I have not.

11 Q. Would you look at the last or next to last
12 sentence in Paragraph 7 of your Declaration which is
13 Exhibit 22?

14 A. Next to the last --

15 Q. I'm reading the sentence "Channel 45 is the
16 only television station in South Florida which simply
17 does not address civil rights at all."

18 In the light of the discussion we've just
19 had about programs and Exhibit 20, do you still stand
20 by the statement that Channel 45 does not address
21 civil rights "at all"?

22 A. I stand by what I was saying, the context
23 of it. If you will pay attention to the first line,
24 what I was referring to was the major civil rights
25 issues.

1 As we categorize them, we meaning referring
2 to those of us within the NAACP Miami-Dade branch and
3 having obviously prioritized issues within the civil
4 rights branch, that is what I'm referring to.

5 Q. And the issues that you are referring to
6 are covered frequently by other stations in Miami?

7 A. They are covered by other stations in
8 Miami, yes.

9 Q. But do you not say in the next to last line
10 of Paragraph 7 that other stations address the issue
11 "frequently"?

12 A. They do.

13 Q. Do you know whether other stations in Miami
14 address or have addressed at all the particular
15 issues that we discussed in Trinity Exhibit 20 where
16 you agreed that those issues were within the category
17 of ethnic and minority groups? Do you know of any
18 other stations in Miami or Fort Lauderdale address
19 those issues?

20 A. In recalling, some of the issues have been
21 addressed, but I really want to reiterate that those
22 issues that were critical as we viewed them, being
23 the major civil rights group here in this community
24 and as we have dealt with them, that's the context in
25 which I was speaking of Channel 45.

1 Q. I'm now approaching it differently. I'm
2 going back to Exhibit 20.

3 A. Let's go back, yes.

4 Q. You and I agreed, did we not, on a half a
5 dozen or more programs in Exhibit 20 which addressed
6 important matters in the category of ethnic and
7 minority groups, didn't we just do that?

8 A. Yes. That's correct, we did do that.

9 Q. Now, are you aware of those issues, the
10 ones in which we have that agreement, which are
11 addressed frequently on other stations in Miami or
12 Fort Lauderdale?

13 A. The issues themselves are addressed
14 frequently. The other issues are addressed
15 frequently as seen in this document depending on the
16 time they are very controversial issues. From time
17 to time many of the issues have been and thereby
18 covered in many other - on many other stations.

19 Q. Let's go back to Exhibit 20, Page 7, the
20 bottom of the page, the two hour program on June 17,
21 1988, I'm going to say on adoption.

22 Are you aware of any other station in Miami
23 that has broadcast a program of anywhere near that
24 length on adoption but with particular reference to
25 adoption of black children?

1 A. If you will, I would like to answer the
 2 question this way. First of all, generally programs
 3 aren't done in two hour blocks unless they are
 4 educational channels. Public TV is generally done in
 5 one hour blocks.

6 If you were to do a tally over a period of
 7 years as we have done in terms of Channel 45, then we
 8 would get another picture, okay. I'm saying that
 9 because I know from time to time other stations have
 10 addressed the matter of adoption and I cannot sit
 11 here and tell you which station has done it more
 12 times than Channel 45 has.

13 MR. MULLIN: I have nothing further. Thank
 14 you.

15 MS. ROBINSON: No redirect.

16 (Whereupon, the deposition was concluded at
 17 or about 3:45 p.m.)

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AND FURTHER DEPONENT SAITH NOT

JOHNNIE McMILLIAN

SWORN TO AND SUBSCRIBED TO before me on this
day of , 1993, in the City of
Fort Lauderdale, Broward County, Florida.

Notary Public - State of Florida


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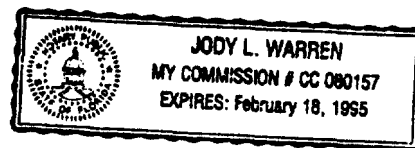
CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, the undersigned authority, certify that
JOHNNIE McMILLIAN personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this
5th day of October, 1993.


JODY L. WARREN
Notary Public - State of Florida
My Commission Expires: 2/18/95



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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF BROWARD:

I, JODY L. WARREN, being a Shorthand Reporter
and a Notary Public for the State of Florida at
Large, do hereby certify that I was authorized to and
did stenographically report the foregoing deposition;
and that said transcript is a true record of the
testimony given by the witness.

I further certify that I am not an attorney or
counsel of any of the parties, nor a relative or
employee of any attorney or counsel connected with
the action, nor financially interested in the action.

Dated this 5th day of October, 1993.

JODY L. WARREN

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing certificate was acknowledged
before me this 5th day of October, 1993, by
Jody L. Warren, who is personally known to me.

Notary Public - State of Florida

/ SALAD #7

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of

MM Docket No. 93-75

TRINITY BROADCASTING OF FLORIDA,
INC.

BRCT-911001LY

For Renewal of License for
Television Station WHFT (TV)
Miami, Florida

GLENDAL E BROADCASTING COMPANY

BPCT-911227KE

633 South Federal Highway
Fort Lauderdale, Florida
September 13, 1993
Monday, 3:30 p.m.

DEPOSITION OF CARLTON MOORE

Taken before Jody L. Warren, Shorthand
Reporter, Notary Public for the State of Florida at
Large, pursuant to Notice of Taking Deposition filed
in the above cause.

COPY

Federal Communications Commission

Docket No. 93-75 Exhibit No. 5. 7

Presented by Honig

Disposition:	{	Identified	<u>DEC 3-1993</u>
		Received	DEC 3-1993
		Rejected	

Reporter A. Wee

DEC 3-1993

1 APPEARANCES:

2

3 MULLIN, RHYNE, EMMONS & TOPEL
 4 By: EUGENE F. MULLIN, ESQUIRE
 on behalf of Trinity.

5 RONDA R. ROBINSON, ESQUIRE
 6 on behalf of SALAD.

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10

I N D E X

11

Witness

Direct

Cross

12

CARLTON MOORE

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EXHIBITS

SALAD Exhibit 3

3

17

Trinity Exhibits 13-14

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1 Thereupon:

2 CARLTON MOORE

3 was called as a witness and, having been first
4 duly sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. ROBINSON:

7 Q. Could you state your name and address,
8 please?

9 A. Carlton B. Moore, 1550 Northwest 4th
10 Street, Fort Lauderdale.

11 Q. Mr. Moore, could you identify this document
12 for us, please?

13 A. That's a resume of me.

14 MR. MULLIN: Say it again, sir?

15 THE WITNESS: That is a resume of me.

16 MS. ROBINSON: I would like to have this
17 identified as SALAD Deposition Exhibit Number 3.

18 (Thereupon, the above-referred to document
19 was marked as SALAD Exhibit 3 for
20 identification by the court reporter.)

21 MS. ROBINSON: Your witness, Counselor.

22 MR. MULLIN: Let's mark these as 13 and 14.

23 (Thereupon, the above-referred to document
24 was marked as Trinity Exhibit 13 and 14 for
25 identification by the court reporter.)

CROSS EXAMINATION

BY MR. MULLIN:

Q. Mr. Moore, I show you what's been marked as Trinity Exhibit Number 13, a notice of deposition.

Do you recall receiving that?

A. Yes, I do.

Q. And you received it from whom?

A. I don't know who. It says here David Honig.

Q. Have you talked on the telephone to David Honig?

A. Yes.

Q. I also direct your attention to what's been marked as Exhibit 14, it's a subpoena addressed to you attached to which is a two page Declaration of Carlton Moore, did you receive that?

A. Yes.

Q. Would you - you received that from Mr. Honig also?

A. Yes.

Q. Did you prior to the time you executed the Declaration of Carlton Moore that's in Trinity 14 have a telephone conversation with a man named Tyrone Shanks?

A. Yes.

1 Q. From Mr. Honig's office?

2 A. Correct.

3 Q. Was that the event that triggered your
4 participation in this matter?

5 A. Yes.

6 Q. The call from Mr. Shanks?

7 A. Correct.

8 Q. When was that call?

9 A. I don't recall.

10 Q. Was it sometime in the summer of 1993?

11 A. It was prior to the date of my signature of
12 August 10, 1993.

13 Q. How many conversations have you had with
14 Mr. Shanks?

15 A. We've had a number of telephone hopscotch.
16 We never had many conversations. He would call me, I
17 would return his call and he would not be in and vice
18 versa. That went on for a number of times, but I
19 spoke to Mr. Shanks maybe on two occasions that I can
20 recall.

21 Q. In the first telephone conversation, what
22 did he say to you that he wanted from you?

23 A. He only asked if I had had the opportunity
24 of viewing Trinity Broadcasting Channel 45, what was
25 my opinion of that station and I began to tell him my

1 opinion.

2 After I gave him a synopsis of my opinion,
3 he told me of a matter that he and David were working
4 on and would I mind responding to a Declaration and I
5 told him that I would.

6 Q. What did you answer in response to his
7 question about your viewing of Channel 45, what did
8 you tell him?

9 A. I told him that I had watched Channel 45 on
10 occasion, but never in any great length. Noticing
11 the type of broadcasting that was being done on the
12 channel, I thought that it would be something that I
13 would be interested in, but it never really held my
14 attention.

15 I spoke of the different organizations that
16 I had been involved with where we had attempted to
17 get community service announcements on the channels
18 and we were unable to get cooperation.

19 Q. In your statement, the Declaration of
20 Carlton Moore, in Paragraph 5, you refer to an
21 incident and you introduce it with the words "earlier
22 this year". I suppose that's clear, but I want to
23 pin it down. Was that incident something that
24 occurred in 1993?

25 A. Yes, sir.

1 Q. Did Mr. Honig or Mr. Shanks or anyone else
2 send you any synopses of programs of any particular
3 kind on Channel 45, anything for you to review?

4 A. Mr. Mullin, I would like to answer that
5 question as honestly as I possibly can so I rather
6 state that I don't recall.

7 Q. Let me specifically -- I'm going to be
8 referring to some documents that have previously been
9 identified and I assure you that I'm not implying
10 that any of these were sent to you, I simply need to
11 know whether any of them were.

12 I show you Trinity Exhibit 3 on the subject
13 of "AIDS" and I ask if that was sent to you?

14 A. This does not ring a bell to me, sir.

15 Q. All right. I show you what's been
16 previously marked as Trinity Exhibit 4, "Economy/Cost
17 of Living/Inflation/Poverty/Unemployment" and ask if
18 that was sent to you or does that ring a bell to use
19 your words?

20 A. Mr. Mullin, to answer your question, I
21 recall receiving an illustrative programming, but I
22 don't recall the document to be exact. I don't
23 recall which one. The reason that I'm hesitant, I'm
24 very active with organizations that work with
25 individuals who are afflicted with AIDS.

1 My wife is a director of a program here in
2 Broward County. I may have read that, but I'm not
3 very sure.

4 Q. I show you what's been marked as Trinity
5 Exhibit 5. It's on the letterhead of David Honig.
6 It's addressed to Colleagues and Friends and it has
7 attached to it as Page 3 some questions. I will ask
8 you if you did receive that?

9 A. Yes.

10 Q. On Page 2 of Trinity Exhibit 5 on the
11 fourth full paragraph there is a statement: "I am
12 also enclosing those portions of Channel 45's
13 "Issues/Programs Lists" which relate to those issues
14 on which you have special expertise."

15 Is it correct that you did not, in fact,
16 receive from Mr. Honig any Issues/Programs Lists?

17 A. No, that's not what I'm saying. I am
18 saying I did recall receiving something, but I can't
19 say for sure if those are the two documents that you
20 show to me up front.

21 Q. Your sure you received something in
22 addition to Trinity Exhibit Number 5?

23 A. Absolutely.

24 Q. Let me show you what's been previously
25 marked as Trinity Exhibit Number 11, "Senior

1 Citizens/Elderly/Aging/Social Security" and I ask you
2 if you received that?

3 A. Mr. Mullin, I would have to answer the
4 question in the same manner, that I did receive a
5 programming of Channel 45, but I'm not exact if that
6 is one of the documents that I received.

7 Q. Where are the documents that you did
8 receive? Do you still have them?

9 A. No, sir, I do not.

10 Q. What did you do with them?

11 A. We have an ambitious recycling program at
12 my office and I ambitiously allowed them to be
13 recycled. .

14 Q. Would you take a look in the subpoena,
15 which is Trinity Exhibit 14, at Attachment A, numbers
16 one, two and three at the top of the page? Tell me
17 if you have any documents now that come within the
18 scope of one, two or three.

19 A. No, sir, I did not.

20 Q. None at all?

21 A. No, sir, I do not.

22 Q. No notes?

23 A. No, sir, I do not.

24 The only thing I may have in my possession
25 or still may have a copy of is a Declaration of my

1 comments which you have a copy to review.

2 Q. I show you what has previously been marked
3 as Trinity Exhibit 12 "Housing and Homelessness". Do
4 you have a recollection of receiving that from
5 Mr. Honig?

6 A. Yes, very vividly.

7 Q. You do remember that?

8 A. Yes.

9 Q. Would you take a look at Page 3 of Exhibit
10 12 at the bottom of the page, a program broadcast on
11 May 1, 1987? Do you see that description?

12 A. May 1, 1987?

13 Q. Yes.

14 A. Yes, I do, 5-1-87.

15 Q. Do you know Sergeant Frank Maye?

16 A. No, I do not.

17 Q. Would you read over again the six line
18 description of that program?

19 A. Sergeant Frank Maye --

20 Q. I didn't want you to read it out loud.
21 Just read it to yourself.

22 You find no fault with that program
23 description, do you?

24 A. No.

25 Q. You agree that deals with the subject or

1 appears to deal with the subject of homelessness?

2 A. From this description, yes.

3 Q. Would you look at Page 4 which may be
4 partly - excuse me.

5 Would you look at Page 5, I'm going to
6 direct your attention to program descriptions for
7 October 26, 1990 to programs. Do you know Pastor
8 Isaiah Williams?

9 A. No, sir, I do not.

10 Q. Do you know Gloria Williams?

11 A. No, sir, I do not.

12 Q. Do you know Pastor Andy Zoppelt?

13 A. No, sir, I do not.

14 Q. Have you heard of Pastor Isaiah Williams?

15 A. Not to my recollection, no.

16 Q. Would you read over to yourself those two
17 program descriptions and tell me if you have any
18 fault to find with their responsiveness to the issue
19 of homelessness?

20 A. From this description --

21 Q. From this description what?

22 A. I would agree that they had a program on
23 that topic.

24 Q. Would you look at Page 6, the middle
25 paragraph, the program on November 2, 1990, do you